

12. Denied.
13. Defendant is without knowledge or information sufficient as to admit or deny the allegation contained in this paragraph.
14. Denied.
15. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.
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87. Denied.

88. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

89. Denied.

90. Admits only as to residing in the United States. Denied as to all other allegations.

91. Denied.

92. Denied.

93. Defendant is without knowledge or information sufficient as to the truth of the allegations contained in this paragraph and therefore denies the allegations.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

101. Denied.

102. Denied.

103. Denied.

104. Denied.

105. Denied.

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120. Denied.

121. Denied.

122. Denied.

123. Denied.

124. Denied.

COUNT I - TRADEMARK INFRINGEMENT AND COUNTERFEITING

(15 U.S.C. 4 1114)

As to Count I, Defendant's responses to each and every allegation above are incorporated herein by reference. To the extent not expressly addressed herein they are denied.

COUNT II - FALSE DESIGNATION OF ORIGIN (15 U.S.C. 4 1125(a))

As to Count II, Defendant's responses to each and every allegation above are incorporated herein by reference. To the extent not expressly addressed herein they are denied.

COUNT III - TRADEMARK DILUTION (15 U.S.C. 1125(c))

As to Count III, Defendant's responses to each and every allegation above are incorporated herein by reference. To the extent not expressly addressed herein they are denied.

PRAYER FOR RELIEF

Wherefore. Denied to the extent a response is required. The Plaintiff has not been damaged or harmed and is not entitled to any relief requested by Defendant Ali Toy.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted to Plaintiff.

SECOND DEFENSE

Defendant Ali Toy alleges the products were not counterfeit or alleged to be counterfeits. The first time Defendant Ali Toy knew about Plaintiff having an issue with the

products being sold was this complaint.

THIRD DEFENSE

Plaintiff has failed to mitigate its damages, to the extent it even has any.

FOURTH DEFENSE

Defendant Ali Toy is not a competitor or business rival to Plaintiff.

FIFTH DEFENSE

Plaintiff's claims are barred by the doctrine of waiver.

SIXTH DEFENSE

Plaintiff's claims are barred by the statute of limitations.

SEVENTH DEFENSE

Plaintiff's claims are barred by the doctrine of fair use or collateral use as it relates to Defendant Ali Toy.

EIGHT DEFENSE

Plaintiff's claims are barred by mistake as it relates to Defendant Ali Toy.

NINTH DEFENSE

Defendant Ali Toy's use of marks to sell goods was protected by the first sale doctrine.

TENTH DEFENSE

Plaintiff's claims are barred by estoppel by acquiescence.

ELEVENTH DEFENSE

In regards to all claims against the individual Defendant Ali Toy, Plaintiff has failed to adequately allege the role of this individual in order to establish individual liability.

TWELFTH DEFENSE

Plaintiff cannot show that Defendant Ali Toy acted in bad faith.

Wherefore, Defendant requests that this Court dismiss the Plaintiff's claims with prejudice and requests its attorney fees (if any) pursuant to 15 U.S.C. § 1117(a).

Respectfully submitted,
/s/ Ali Toy
Ali Toy, Pro Se
5007 Falcon Hollow Rd.
McKinney, Texas 75072
469-215-9695
Alitoy@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was filed with the Clerk of Court using the U.S. Certified mail. I have sent a notification of such filing by email to:

Monica Riva Talley, Sterne Kessler Goldstein & Fox, PLLC 1100 New York Ave., N.W., Suite 600 Washington, DC 20005-3934; mtalley@sternekessler.com; Counsel for Plaintiff

/s/ Ali Toy
Ali Toy, pro se

